

IN THE CLAIMS:

Please amend the claims as shown immediately below with all changes (e.g., additions, deletions, modifications) included, pursuant to 37 C.F.R. 1.121(c)(1).

Complete listing of the claims:

1-123 (canceled).

124. (new) A method for scoring, with a trade secret documentation tool, a potential trade secret, the method comprising:

presenting the six factors of a trade secret from Section 757 of the Restatement (First) of Torts to an evaluator via a trade secret documentation tool using a user interface device connected to an accounting digital computer, the six factors including (1) the extent to which the information is known outside of his business; (2) the extent to which it is known by employees and others involved in his business; (3) the extent of measures taken by him to guard the secrecy of the information; (4) the value of the information to him and to his competitors; (5) the amount of effort or money expended by him in developing the information and (6) the ease or difficulty with which the information could be properly acquired or duplicated by others;

presenting to an evaluator, via the trade secret documentation tool using a user interface device connected to the accounting digital computer, a plurality of different ratings for each of the six factors, with each rating having an associated numerical value;

receiving, via the trade secret documentation tool using a user interface device connected to the accounting digital computer, a respective rating of the presented ratings from the evaluator as to the extent that the potential trade secret meets each of the six factors;

storing the received ratings via the trade secret documentation tool using a database on a mass data storage device connected to the accounting digital computer;

calculating, via the trade secret documentation tool using an arithmetic processor of the accounting digital computer, a trade secret defendability metric for the potential trade secret from the received ratings; and

storing the calculated trade secret defendability metric via the trade secret documentation tool using a database on a mass data storage device connected to the accounting digital computer.

125. (new) The method of claim 124 further comprising:

determining, via the trade secret documentation tool using a comparison processor of the accounting digital computer, that the calculated trade secret defendability metric for the potential trade secret exceeds a predetermined threshold value; and

identifying, in response to the determination, the potential trade secret as a defendable trade secret.

126. (new) The method of claim 124 further comprising sorting, via the trade secret documentation tool using a comparison processor of the accounting digital computer, a plurality of the potential trade secrets in increasing or decreasing numerical order of the calculated metric.

127. (new) The method of claim 125 further comprising:

transmitting to a trade secret directory server, via the trade secret documentation tool using a communications processor of the accounting digital computer, a request for a trade secret certificate corresponding to the determined defendable trade secret; and

receiving from the trade secret directory server, via the trade secret documentation tool using a communications processor of the accounting digital computer, a generated certificate corresponding to the determined defendable trade secret.

128. (new) A physical computer-readable medium including computer-executable instructions facilitating the identification of potential trade secrets, the physical computer-readable medium comprising:

computer-executable instructions disposed on the physical computer-readable medium for performing the step of presenting the six factors of a trade secret from Section 757 of the Restatement (First) of Torts, via a user interface device connected to a computing device, the six factors including (1) the extent to which the information is known outside of his business; (2) the

extent to which it is known by employees and others involved in his business; (3) the extent of measures taken by him to guard the secrecy of the information; (4) the value of the information to him and to his competitors; (5) the amount of effort or money expended by him in developing the information and (6) the ease or difficulty with which the information could be properly acquired or duplicated by others;

computer-executable instructions disposed on the physical computer-readable medium for performing the step of presenting, via a user interface device connected to the computing device, a plurality of different ratings for each of the six factors, with each rating having an associated numerical value;

computer-executable instructions disposed on the physical computer-readable medium for performing the step of receiving, via a user interface device connected to the computing device, a respective rating of the presented ratings from the evaluator as to the extent that the potential trade secret meets each of the six factors;

computer-executable instructions disposed on the physical computer-readable medium for performing the step of storing the received ratings in a mass data storage device connected to the computing device;

computer-executable instructions disposed on the physical computer-readable medium for performing the step of calculating, with an arithmetic processor of the computing device, a trade secret defendability metric for the potential trade secret from the received ratings; and

computer-executable instructions disposed on the physical computer-readable medium for performing the step of storing the calculated trade secret defendability metric in a mass data storage device connected to the computing device.

129. (new) The physical computer-readable medium of claim 128 further comprising:

computer-executable instructions disposed on the physical computer-readable medium for performing the step of determining, with a comparison processor of the accounting digital computer, that the calculated trade secret defendability metric for the potential trade secret exceeds a predetermined threshold value; and

computer-executable instructions disposed on the physical computer-readable medium for

performing the step of identifying, in response to the determination, the potential trade secret as a defensible trade secret.

130. (new) The physical computer-readable medium of claim 128 further comprising computer-executable instructions disposed on the physical computer-readable medium for sorting, with a comparison processor of the accounting digital computer, a plurality of the potential trade secrets in increasing or decreasing numerical order of the calculated metric.

131. (new) The physical computer-readable medium of claim 129 further comprising:
computer-executable instructions disposed on the physical computer-readable medium for transmitting, via a communications processor of the accounting digital computer, to a trade secret directory a request for a trade secret certificate corresponding to the determined defensible trade secret; and

computer-executable instructions disposed on the physical computer-readable medium for receiving, via a communications processor of the accounting digital computer, from the trade secret directory server a generated certificate corresponding to the determined defensible trade secret.

132. (new) A trade secret documentation tool for identifying a potential trade secret comprising:

an accounting digital computer;

a user interface device in connection with the accounting digital computer for presenting trade secret factors and for receiving ratings of the potential trade secret, the six trade secret factors corresponding to the six factors of Section 757 of the Restatement (First) of Torts and including (1) the extent to which the information is known outside of his business; (2) the extent to which it is known by employees and others involved in his business; (3) the extent of measures taken by him to guard the secrecy of the information; (4) the value of the information to him and to his competitors; (5) the amount of effort or money expended by him in developing the information and (6) the ease or difficulty with which the information could be properly acquired

or duplicated by others;

a mass data storage device in connection with the accounting digital computer for storing ratings received via the user interface and for storing a defendability metric for the potential trade secret;

wherein the mass data storage device comprises computer-readable files containing a database, the six factors of a trade secret from Section 757 of the Restatement (First) of Torts, and associated numerical values; and

wherein the accounting digital computer comprises an arithmetic processor and associated executable instructions for calculating the trade secret defendability metric for the potential trade secret from received ratings.

133. (new) The trade secret documentation tool of claim 132, wherein the accounting digital computer further comprises a comparison processor and associated executable instructions for determining that the calculated trade secret defendability metric for the potential trade secret exceeds a predetermined threshold value and identifying the potential trade secret as a defendable trade secret, and for sorting a plurality of the potential trade secrets in increasing or decreasing numerical order of the calculated metric.

134. (new) The trade secret documentation tool of claim 133, wherein the accounting digital computer further comprises a communication processor and associated executable instructions in connection with a trade secret directory server, the trade secret directory server for generating and storing a certificate relating to the trade secret and for presenting the certificate in response to a query relating to the trade secret.